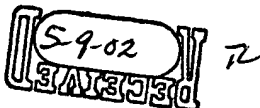


Official



Docket No.: 42390P270C

#4/B
m
5.23.0

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Mohan V. Kalkunte, et al.

Examiner: Frank Duong

Application No.: 09/213,096

Art Group: 2664

Filed: December 17, 1998

For: METHOD AND APPARATUS FOR
PRESERVING FLOW ORDER ACROSS
LINKS OF A MULTI LINK TRUNK**ELECTION AND PRELIMINARY AMENDMENT**Assistant Commissioner for Patents
Washington, DC 20231-9998

Sir:

In the Office Action dated April 9, 2002, the Examiner contends that Applicant claims *two* distinct inventions in the above-identified United States Patent Application. Thus, pursuant to 35 U.S.C. § 121, the Examiner requires Applicant(s) to restrict his/her/their Application to one of the alleged *two* inventions. In compliance with 35 U.S.C. § 121, Applicant(s) elect(s) the *first* group (claims 1-8 and 21-24). Since claim 24 depends on claim 14 (non-elected claim), it is submitted that the first group for election should be claim 1-8 and 21-23. Thus, claim 24 is cancelled without prejudice because that claim belongs to group II (non-elected claims). Applicant respectfully requests the Examiner to confirm that claim 24 does belong to group II.

Please amend the above-identified Application as follows:

IN THE CLAIMS

Following is a complete set of claims as amended with this Response. This complete set of claims excludes non-elected claims 9-20 and 24, cancelled without prejudice, and includes elected claims 1-8 and 20-23 and new claims 25-34.

BLAKELY SOKOLOFF TAYLOR & ZAFMAN LLP

TELEPHONE: (714) 557-3800

INTELLECTUAL PROPERTY LAW
3200 PARK CENTER DRIVE, SUITE 750
COSTA MESA, CA 92626

FACSIMILE: (714) 557-3800

*Official***FACSIMILE COVER SHEET**

Deliver to: E. Duong Art Group: 2664
Company Name: USPTO
Facsimile No.: 703-872-9314 Date: May 9, 2002
From: William W. Schaal, Reg. No. 39,018
Our Docket No.: 82771P270C Number of pages 16 including this sheet.
Application: 09/213,096 Filing Date: 12/17/1998

Subject

Remarks Attached please find the Election and Preliminary Amendment for filing.

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Application No.: 05/213,068 Filing Date: 12/17/98 BSTZ Docket #: 082771.P270C AppSec: WWS/ST
 Date Mailed: 05/09/2002 Docket Due Date(s): 05/09/2002 Client: Novel Networks Limited (by ead)
 Title Method and Apparatus for Preserving Extra Ordering Access Across Aggregated Links Between Source and
 Destination Nodes

Inventor(s) Kalkunda, Mangin, Crayford

The following has been received in the U.S. Patent & Trademark Office on the date stamped hereon:

- ☒ Amendment: Preliminary (11 pgs)
☐ Appeal Brief & two copies (pgs)
☐ Application: (pgs w/ cover & abstract)
☐ Assignment & Cover Sheet (pgs)
☒ Certificate of Facsimile
☐ Continued Prosecution Application (CPA)
☐ Declaration & POA (pgs)
☐ Drawings: sheets figures
☐ Express Mail No:
☐ Extension of Time:
☒ Fee Transmittal (original & copy)
☐ Other:
☐ Information Disclosure Statement & PTOISB08 (pgs)
☐ Issue Fee Transmittal (original & copy)
☐ Nonpublication Request Under 35 U.S.C. 122(b)(2)(B)(i)
☐ Notice of Appeal
☐ Petition for:
☐ Request for Continued Examination (RCE)
☐ Reply Brief (pgs)
☐ Request to Rescind Previous Nonpublication Request
☐ Response to Notice of Missing Parts & Formalities Letter
☐ Terminal Disclaimer
☐ Transmittal of Formal Drawings
☐ Transmittal of Publication Fee Due
☒ Transmittal Letter
☐ Check No. in the Amount of
☐ Check No. in the Amount of

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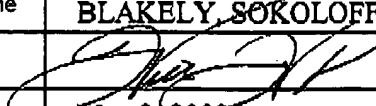
PTO/SB/21 (08-00)

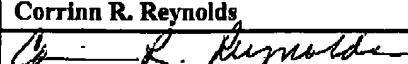
Approved for use through 10/31/2002. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM (to be used for all correspondence after initial filing)		Application No.	09/213,096
		Filing Date	December 17, 1998
		First Named Inventor	Mohan V. Kalkunte
		Group Art Unit	2664
		Examiner Name	F. Duong
Total Number of Pages in This Submission	14	Attorney Docket Number	82771P270C

ENCLOSURES (check all that apply)		
<input checked="" type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input checked="" type="checkbox"/> Amendment / Response <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Assignment Papers (for an Application) <input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input type="checkbox"/> Other Enclosure(s) (please identify below): <div style="border: 1px solid black; height: 60px; width: 100%;"></div>
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual name	William W. Schaal, Reg. No. 39,018 BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP
Signature	
Date	May 9, 2002

CERTIFICATE OF MAILING/TRANSMISSION			
I hereby certify that this correspondence is being transmitted via facsimile under 37 CFR §1.8 on:			
			May 9, 2002
Typed or printed name	Corrinn R. Reynolds		
Signature		Date	May 9, 2002

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**FEE TRANSMITTAL
for FY 2002**

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27.**TOTAL AMOUNT OF PAYMENT** (\$) 0.00**Complete if Known**

Application Number	09/213,096
Filing Date	December 17, 1998
First Named Inventor	Mohan V. Kalkunte
Examiner Name	F. Duong
Group/Art Unit	2664
Attorney Docket No.	82771P270C

METHOD OF PAYMENT (check one)
☐ Check ☐ Credit card ☐ Money Order ☐ Other ☐ None
☐ Deposit Account

Deposit Account Number: 02-2666

Deposit Account Name: Blakely, Sokoloff, Taylor & Zafman LLP

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments
☐ Charge any additional fee(s) during the pendency of the application
☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account
FEE CALCULATION**1. BASIC FILING FEE**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
101	740	201	370	Utility filing fee	
106	330	206	165	Design filing fee	
107	510	207	255	Plant filing fee	
108	740	208	370	Reissue filing fee	
114	160	214	80	Provisional filing fee	

SUBTOTAL (1) (\$) 0.00

2. EXTRA CLAIM FEES

Total Claims: 21 - 24* = 0 X 18.00 = \$0.00

Independent Claims: 4 - 4* = 0 X 84.00 = \$0.00

Multiple Dependent: - - - - -

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
103	18	203	9	Claims in excess of 20	
102	84	202	42	Independent claims in excess of 3	
104	280	204	140	Multiple Dependent claim, if not paid	
109	84	209	42	**Reissue independent claims over original patent	
110	18	210	9	**Reissue claims in excess of 20 and over original patent	

SUBTOTAL (2) (\$) 0.00

*or number previously paid, if greater, For Reissues, see below

FEE CALCULATION (continued)**3. ADDITIONAL FEES**

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
105	130	205	65	Surcharge - late filing fee or oath	
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for ex parte reexamination	
112	920*	112	920*	* Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	* Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	400	216	200	Extension for reply within second month	
117	920	217	460	Extension for reply within third month	
118	1,440	218	720	Extension for reply within fourth month	
128	1,960	228	980	Extension for reply within fifth month	
119	320	219	160	Notice of Appeal	
120	920	220	160	Filing a brief in support of an appeal	
121	280	221	140	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,280	241	640	Petition to revive - unintentional	
142	1,280	242	640	Utility issue fee (or reissue)	
143	460	243	230	Design issue fee	
144	620	244	310	Plant issue fee	
122	130	122	130	Petitions to the Commissioner	
123	50	123	50	Processing fee under 37 CFR 1.17(g)	
126	180	126	180	Submission of Information Disclosure Sheet	
561	40	561	40	Recording each patent assignment per property (times number of properties)	
146	740	246	370	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	740	249	370	For each additional invention to be examined (37 CFR § 1.128(b))	
179	740	279	370	Request for Continued Examination (RCE)	
189	900	189	900	Request for expedited examination of a design application	

Other fee (specify) _____

* Reduced by Basic Filing Fee Paid

SUBTOTAL (3) (\$) 0.00

SUBMITTED BY

Name (Print/Type) William W. Schaal

Registration No.
(Attorney/Agent)

39,018

Telephone

(714) 557-3800

Signature

Date

05/09/02

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